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September 8, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: MM Docket No. 98-130; RM-9297
Amendment of Section 73.202(b)
FM Table of Allotments
(Saratoga, Wyoming)

Dear Ms. Salas:

Transmitted herewith on behalf of Robert R. Rule d/b/a Rule Communications is an original and four copies of Comments in the above-referenced proceeding. These Comments are respectfully directed to the Chief, Allocations Branch.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,


John F. Garziglia

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SEP 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 98-130
Table of Allotments) RM-9297
FM Broadcast Stations)
(Saratoga, Wyoming))

To: Chief, Allocations Branch

COMMENTS

Robert R. Rule d/b/a Rule Communications ("Rule Communications"), by his attorneys, pursuant to Notice of Proposed Rule Making, DA 98-1377, released July 17, 1998, hereby submits his comments in the above-referenced proceeding.

Rule Communications proposes that a slightly greater site restriction be imposed on the proposed Channel 259C Saratoga allotment^{1/} in order that his now-pending FCC Form 301 application for KRRR(FM), Cheyenne, Wyoming (FCC File No. BPH-980817IK) may be operated from its presently specified transmitter without the necessity of specifying contour protection. As shown in the attached channel study, the proposed Saratoga allotment is now short spaced by 16.31 kilometers to the application of KRRR(FM) seeking a modification in its facilities. Rule Communications proposes that, in order to remedy this short spacing, the proposed Saratoga allotment on Channel 259C be made at reference coordinates of 41° 33' 26" North Latitude, 107° 09' 57" West

^{1/} A site restriction of 16.3 kilometers to the northwest is presently proposed.

Longitude, a reference site 32 kilometers northwest of Saratoga. (See attached Channel Study). Because Class C stations have a nominal city-grade contour extending 68 kilometers, this reference site is well within the parameters that will allow for full city-grade coverage to Saratoga.

It is well settled that the Commission has a policy of accommodating applications wherever possible in making new allotments. See Hampton and Parkersburg, Iowa, 7 FCC Rcd 7559 (1992). Specifically, the Commission has favorably considered changes in reference coordinates when that request is filed during the pendency of a proceeding. See Lima, Ohio; Muncie, Indiana; Rockford, Illinois; and Grand Rapids, Michigan, 7 FCC Rcd 5933 (1992). See also Warrenton, Georgia, 6 FCC Rcd 5174 (1991) (Although the Commission is not required to accommodate the site preferences of an applicant in a rule making proceeding, it will do so when possible).

The public interest would be well served by slightly modifying the reference coordinates for Saratoga. KRRR(FM) will not be required to operate using contour protection if the reference site coordinates are modified. Further, KRRR(FM) will be able to serve an increased area and greater population if not restricted to using contour protection for its proposed facility.

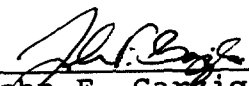
WHEREFORE, for the reasons above, it is respectfully requested that reference coordinates of 41° 33' 26" North Latitude,

107° 09' 57" West Longitude be specified for the allotment of
Channel 259C to Saratoga, Wyoming.

Respectfully submitted,

ROBERT R. RULE
d/b/a RULE COMMUNICATIONS

By: _____


John F. Garziglia
His Attorney

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September 8, 1998

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Alternate Site Proposal for Saratoga Allotment
32 km northwest of Saratoga

REFERENCE	CLASS C	DISPLAY DATES
41 33 26 N		DATA 08-30-98
107 09 57 W	Current rules spacings	SEARCH 09-08-98
----- CHANNEL 259 - 99.7 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AD259	259C	Saratoga	WY	101.9	16.11	290.0	-273.89 *
AP260	260C2	Cheyenne	WY	105.0	187.77	188.0	-0.23 *
ALOPEN	260C2	Cheyenne	WY	105.0	187.77	188.0	-0.23 *
KRRR.C	260C2	Cheyenne	WY	102.4	204.11	188.0	16.11
KKHK	258C	Denver	CO	140.7	260.54	241.0	19.54
ALOPEN	258A	Chugwater	WY	82.6	196.27	165.0	31.27
KRRR.C	260A	Cheyenne	WY	102.4	204.11	165.0	39.11

CERTIFICATE OF SERVICE

I, Tracey S. Westbrook, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that a true copy of the foregoing "Comments" was sent this 7th day of September, 1998 by U.S. first class mail, postage prepaid, to the following:

Victor A. Michael, Jr.
President
Mountain Tower Broadcasting
7901 Stoneridge Drive
Cheyenne, Wyoming 82009

Tracey S. Westbrook
Tracey S. Westbrook